

**House Study Bill 71 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED JUDICIAL BRANCH  
BILL)

**A BILL FOR**

1 An Act relating to the calculation of certain fees in probate.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.31, Code 2015, is amended to read as  
2 follows:

3 **633.31 Calendar — fees in probate.**

4 1. The clerk shall keep a court calendar, and enter thereon  
5 such matters as the court may prescribe.

6 2. The clerk shall charge and collect the following fees in  
7 connection with probate matters, which shall be deposited in  
8 the account established under section 602.8108:

- 9 *a.* For services performed in short  
10 form probates pursuant to sections  
11 450.22 and 450.44.....~~\$ 15.00~~  
12 the filing and docketing fee  
13 set forth in section 602.8105,  
14 subsection 1, paragraph "a"
- 15 *b.* For services performed in probate of a  
16 will without administration .....~~15.00~~  
17 the filing and docketing fee  
18 set forth in section 602.8105,  
19 subsection 1, paragraph "a"
- 20 *c.* For services performed in testamentary trust  
21 administration under this chapter or when jurisdiction is  
22 invoked under chapter 633A .....the filing and docketing  
23 fee set forth in section  
24 602.8105, subsection 1,  
25 paragraph "a"
- 26 *d.* For services performed in a guardianship, standby  
27 guardianship, or combined guardianship and  
28 conservatorship.....the filing and docketing fee  
29 set forth in section  
30 602.8105, subsection 1,  
31 paragraph "a"
- 32 *e.* For services performed in small estate  
33 administration.....\$ 50.00
- 34 *f.* For depositing a will for safekeeping by  
35 a living testator.....\$ 50.00

1	<del>e.</del> <u>g.</u>	For filing and indexing a transcript.....	\$ 50.00
2	<del>d.</del> <u>h.</u>	For taking and approving a bond, or	
3		the sureties on a bond .....	\$ 20.00
4	<del>e.</del>	<del>For entering a rule or order .....</del>	<del>10.00</del>
5	<del>f.</del> <u>i.</u>	For certificate and seal .....	<del>10.00</del>
6			\$ 20.00
7	<del>g.</del>	<del>For making a complete record where</del>	
8		<del>real estate is sold .....</del> per 100 words .....	<del>.20</del>
9	<del>h.</del> <u>j.</u>	<del>For making a transcript or copies of</del>	
10		<del>orders or records filed in the clerk's office or</del>	
11		<u>printing a copy of an electronic record</u>	
12		<u>or document, .....</u> per 100 words <u>page</u> .....	\$ .50
13	<del>i.</del> <u>k.</u>	For certifying change of title .....	<del>20.00</del>
14			\$ 50.00
15	<del>j.</del> <u>l.</u>	For issuing commission to	
16		appraisers .....	<del>2.00</del>
17			\$100.00
18	<del>k.</del> <u>m.</u>	For other services performed in the <del>settlement</del>	
19		<u>probate with administration of the <u>an</u> estate of <del>any decedent,</del></u>	
20		<del>minor, person with mental illness, or other persons</del>	
21		<del>laboring under legal disability</del> <u>or the administration of</u>	
22		<u>a conservatorship, except where actions are brought by</u>	
23		<u>the administrator, guardian, trustee conservator, personal</u>	
24		<u>representative, or person acting in a representative capacity</u>	
25		<u>or against that person, or as may be otherwise provided herein,</u>	
26		<u>where the value of the personal property and real estate of</u>	
27		<u>such a person gross assets of the estate or conservatorship</u>	
28		falls within the following indicated amounts, the fee opposite	
29		such amount shall be charged.	
30	(1)	Up to \$3,000.00 .....	\$ 5.00
31	(2)	3,000.00 to 5,000.00 .....	\$ 10.00
32	(3)	5,000.00 to 7,000.00 .....	\$ 15.00
33	(4)	7,000.00 to 10,000.00 .....	\$ 20.00
34	(5)	10,000.00 to 15,000.00 .....	\$ 25.00
35	(6)	15,000.00 to 25,000.00 .....	\$ 30.00

1 (7) For each additional \$25,000.00 or  
2 major fraction thereof .....\$ 50.00

3 ~~1. For services performed in small~~  
4 ~~estate administration .....15.00~~

5 3. The fee set forth in subsection 2, paragraph ~~"k"~~  
6 "m", shall not be charged on any property transferred to a  
7 testamentary trust from an estate that has been administered  
8 in this state and for which court costs have been assessed and  
9 paid.

10 4. The clerk shall charge the filing and docketing fee set  
11 forth in section 602.8105, subsection 1, paragraph "a", for the  
12 filing and docketing of a petition by an interested third party  
13 against an original party to a probate matter. The fee shall  
14 be deposited in the account established in section 602.8108.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the fees the clerk of the probate court  
19 charges in connection with certain probate matters.

20 For services performed in short form probate and probate  
21 of a will without administration, the bill increases the  
22 fee from \$15.00 to the civil filing and docketing fee set  
23 forth in Code section 602.8105(1)(a), or \$185.00. The bill  
24 establishes that for services performed in testamentary trust  
25 administration under Code chapter 633, when jurisdiction is  
26 invoked under Code chapter 633A, or for services performed in a  
27 guardianship, standby guardianship, or combined guardianship  
28 and conservatorship, the clerk shall charge the civil filing  
29 and docketing fee set forth in Code section 602.8105(1)(a), or  
30 \$185.00.

31 The bill requires the clerk to charge \$50.00 for the  
32 safekeeping of a will. For services performed in small  
33 estate administration, the bill increases the fee from \$15.00  
34 to \$50.00. For providing a certificate and seal, the bill  
35 increases the fee from \$10.00 to \$20.00. For printing or

1 making a copy, the clerk is required to charge \$0.50 per page.  
2 For certifying a change in title, the bill increases the fee  
3 from \$20.00 to \$50.00. For issuing a commission to appraisers,  
4 the bill increases the fee from \$2.00 to \$100.00.

5 For other services performed, the bill provides that the  
6 applicable fee, which is determined based on the value of the  
7 estate, shall be calculated based on the value of the gross  
8 estate.

9 The bill provides that if an interested third party files  
10 a petition against an original party in a probate matter, the  
11 clerk shall charge the civil filing and docketing fee set forth  
12 in Code section 602.8105(1)(a), or \$185.00.